

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

DANIEL GARCIA, a/k/a DANIEL GARCIA  
FERNANDO, a/k/a JOSE, a/k/a AHMED, a/k/a  
MOHAMED, a/k/a ALMIGHTY BY ALL ONE,

Plaintiff,  
-against-

21 CIVIL 636 (GBD)(BCM)

**JUDGMENT**

JASON THOMAS, OMAR GUERRA,  
BEETHOVEN JOSEPH, and KEITH BLATZ,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Decision and Order dated May 10, 2023, having reviewed the Report for clear error and finding none, this Court ADOPTED the Report in full. As Magistrate Judge Moses outlined in her Report, Plaintiff has not participated in this action in over a year, has failed to appear at two court hearings, and has missed two filing deadlines for opposing Defendants' motion. (Report at 6.) Plaintiff has had ample time to respond regarding why this case should not be dismissed and has failed to do so. Plaintiff's complaint is dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b); accordingly, the case is closed.

**Dated:** New York, New York

May 10, 2023

**RUBY J. KRAJICK**

---

**Clerk of Court**

BY:

*K. Mango*

---

**Deputy Clerk**